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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,064	01/23/2002	Evan Stephen Crandall	113397C	7625

7590

12/29/2005

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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/061,064	CRANDALL ET AL.	
	Examiner	Art Unit	
	Hai Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 & 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/06/2005 have been fully considered but they are not persuasive.

Applicant argues, "Hanson does not , however, disclose associating the connection with information to be sent across the data network to the recipient's audiovisual display device based on the established association between the recipient's voice communication network address with the recipient 's data communication network address."

In response, the Examiner respectfully disagrees with applicant because Hanson discloses that the communication between two users, i.e., the caller A and the recipient B or vice versa is established **by associating** a) recipient's **voice communication network address**, i.e., ordinary "telephone number" of user B (page 23, lines 30-, The destination of the call is the ordinary telephone number of user B) with b) the recipient 's **data communication network address**, i.e., IP address (page 24, lines 7-, ...the router 24 will recognize the **external IP address** as one that is connected to the same TV distribution network 8....).

Applicant further argues, "...but does not disclose an *association between the voice connection with information* to be sent across the data network based on an established association between the recipient's voice communication network address with the recipient's data communication network address."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **association between the voice connection with information to be sent across the data network**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Note the claim requires "...associating the connection with information to be sent across the data network..." and **NOT** "...associating **between the voice connection** with information to be sent across the data network...", as argued by Applicant. Thus Applicant argument is moot.

However, to entertain Applicant's remark, the Examiner cites Page 7, lines 25-page 18, lines 8 to support the above argument (...it would be possible to ... send the information e.g. to the PC2 or other device with capabilities for visual presentation; see page 24, lines 16-22) while both users perform bidirectional speech. Thus, Hanson associates **between the voice connections in which** information is to be sent across the network while in session according to Hanson (see page 9, lines 23-page 10, lines 7).

Claim 3, Applicant argues, "Hanson does not, however, disclose **authorizing** a broadcast of information by remaining on the connection for **a designated period of time**. Terminating a user's telephone connection is not the same as authorizing a broadcast of information by remaining on a voice connection for a designated period of time."

In response, the Examiner respectfully disagrees with Applicant and believes Applicant misconstrues Hanson's reference. Claim 3 's limitation "wherein the recipient authorizes the broadcast by remaining on the connection for a designated period of time" is met by Hanson because recipient A by answering the call, i.e. "off hook", a connection is established between recipient A and caller B. As such, recipient A authorizes caller B to broadcast/send information for the duration/"necessary time" by maintaining the connection between recipient A and caller B (a designated period of time that recipient A does not terminate the connection, i.e., "off hook"). For example (see Fig. 9) recipient A decides to stay on session for a period of time, i.e., 5 minutes. During the period of connectivity, recipient A and caller B perform a bi-direction speech communication either across the voice communication network (PSTN network 16; page 17, lines 25-page 18, lines 8) or the data communication network (Internet/IP network; page 12, lines 5-18). In doing so, during the bi-directional speech communication, recipient A authorizes/tells/notify caller B to broadcast the "information" to the recipient A's intended display device, i.e., PC2 or TV (...it would be possible to tap a TV channel and send the information e.g. to the PC 2 or other device with capabilities for visual presentation; Col. 24, lines 13-22) until recipient A terminates the session, i.e. "on hook" (see Page 17, lines 20-25).

Claims 4 and 5's argument is toward Applicant 's newly amended claims 4 and 5, i.e., "after the voice connection has been established" in which this limitation has been discussed and met by Hanson, see above discussion.

Claims 12 and 16 is similarly discussed as above claim 3 in which Hanson does disclose, at least, either the user/recipient A ends a broadcast of information to the recipient's audiovisual device by either tuning the recipient's audiovisual device to another TV channel or turning off the recipient's audiovisual device when the telephonic session between the caller B and the recipient A ends.

For at least the reason set forth above, the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-9, and 11-16, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansson et al. (WO 97/47119).

Claim1, Hansson discloses a method of sharing information between a sender with access to a data network and a recipient's audiovisual display device, the recipient being identified by a voice communication network address and a data communication network address, the method comprising the steps of:

Associating the recipient's voice communication network address with the recipient data communication address (page 1, lines 20-page 13, lines 8);

Establishing a voice connection on a voice communication network between the sender and the recipient (page 17, lines 25-page 18, lines 10);

Associating the connection with information to be sent across the data network to the recipient's audiovisual display device based on the established association between the recipient's voice communication network address with the recipient's data communication network address (page 15, lines 1-10 and page 23, lines 28-page 24, lines 25); and

Initiating a broadcast of information to the recipient's audiovisual display device (page 24, lines 20-22).

Claim 2, "wherein the recipient's reception of the broadcast begins after the recipient authorizes the broadcast" reads on the fact that both the caller and the recipient is connected through the phone for after the connection is made between the caller and the recipient through the telephone network, the caller initiate a message/information to the recipient through the CATV network 8 (page 24, lines 7-23);

Claim 3, "wherein the recipient authorizes the broadcast by remaining on the connection for a designated period of time" reads on the connection is done between two devices by per session; thus when the session is terminated by an "on hook", the connection is terminated (page 17, lines 18-24).

Claim 4, "wherein the recipient authorizes the broadcast by transmitting a signal across the voice communication network, after the voice connection has been established" reads on the recipient answers the call (page 18, lines 6-8).

Claim 5, "wherein the recipient authorizes the broadcast by transmitting a signal across the data network, after the voice connection has been established" reads on the recipient answers the call, as disclosed on page 18, lines 6-8, using Internet telephony (page 22, lines 4-11).

Claim 6, receiving input from the recipient or sender; changing the information broadcast to the recipient's audiovisual display device based on the input from the recipient or sender (page 24, lines 16-18).

Claim 7, "wherein the input is a signal transmitted across the voice communication network," reads on the conversation between the caller and the recipient in which the caller/recipient (page 23, lines 27-page 24, lines 23).

Claim 8, "wherein the input is a signal transmitted across the data network" (page 13, lines 25-page 15, lines 10).

Claim 9, wherein the signal is a DTMF (page 19, lines 5-8).

Claim 11, wherein the sender is an automated interactive response system (Fig. 9; PC 2).

Claim 12, "further comprising the step of ending the broadcast of the information to the recipient's audiovisual display device when the connection between the sender and the recipient ends" reads on the connection is done

between two devices by per session; thus when the session is terminated by an "on hook", the connection is terminated (page 17, lines 18-24).

Claims 13, 17 and 18 are analyzed with respect to method claim1.

Claim 14, "means for initiating the connection on the voice communication network", page 15, lines 13-25);

Claim 15, "wherein the mean for initiating the broadcast is initiated by means for sending a signal to a server attached to the data network and capable of broadcasting the information to the recipient's receiving device (page 15, lines 1-10 and page 23, lines 28-page 24, lines 25);

Claim 16 is analyzed with respect to claim 12.

Claim 19, wherein the voice communication network address is a telephone number (page 13, lines 9-12).

Claim 20, wherein the information is adapted for rendering on a television screen (page 24, lines 20-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson et al. (WO 97/47119).

Claim 10, Hansson does not clearly disclose the use of a voice command.

Official Notice is taken that the use of a voice command is notoriously well known in the data communication art, i.e. the user could say "Call 555-5555" and the system will recognize the command using the speech recognition and place a call using the stated phone number. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson to use voice commands so to provide to user a friendly device that presents to users options that are easily to understand as similar to the options provided by conventional voice mail.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
12/20/2005


HAI TRAN
PRIMARY EXAMINER